

**CONFERENCE CALL MEETING MINUTES
Board of Mental Health Practice**

March 6, 2020

1. ROLL CALL

The meeting of the Board of Mental Health Practice was called to order by the Chair, Dale Battleson, at 9:19 a.m. at the Nebraska State Office Building, 301 Centennial Mall South, Lower Level C, Lincoln, Nebraska. Copies of the agenda were mailed to the Board members and other interested parties in accordance with the Open Meetings Law.

The following members answered Roll Call:

Members Present (6):

Dale Battleson, Chair
L. Janeen Gill, Secretary
David Hof, Vice Chair
Thomas Maxson, Member
Susan Reay, Member
Sarita Ruma, Member

Members Absent (3):

Laurie Andrews, Member
Cassandra Dittmer, Member
Terrance Moore, Member

Others Present:

Mindy Lester, Assistant Attorney General
Kris Chiles, Program Manager, Licensure Unit
Heidi Weiland, Health Licensing Coordinator, Licensure Unit
Anna Harrison, Compliance Monitor, Licensure Unit
Carla Cue, Investigations

A quorum was present and the meeting convened.

2. ADOPTION OF AGENDA

MOTION: Hof moved, seconded by Ruma, to adopt the agenda. A voice vote was taken. Voting aye: Battleson, Gill, Hof, Maxson, Reay, Ruma (6). Voting nay: None (0). Absent: Andrews, Dittmer, Moore (3). Abstain: None (0). Motion carried.

3. APPROVAL OF MINUTES (1.10.20 and 1.31.20)

MOTION: Ruma moved, seconded by Hof, to approve the minutes of 1.10.20. A voice vote was taken. Voting aye: Battleson, Gill, Hof, Maxson, Reay, Ruma (6). Voting nay: None (0). Absent: Andrews, Dittmer, Moore (3). Abstain: None (0). Motion carried.

MOTION: Gill moved, seconded by Reay, to approve the minutes of 1.31.20. A voice vote was taken. Voting aye: Battleson, Gill, Maxson, Reay (4). Voting nay: None (0). Absent: Andrews, Dittmer, Moore (3). Abstain: Hof, Ruma (2). Motion carried.

4. CLOSED SESSION - INVESTIGATIVE REPORTS & OTHER CONFIDENTIAL INFORMATION

MOTION: Ruma moved, seconded by Hof, to enter into closed session at 9:22 a.m. to hear discussions of an investigative/confidential nature, and for the prevention of needless injury to the reputation of the individuals. Ruma repeated the motion purpose. A roll call vote was taken. Voting aye: Battleson, Gill, Hof, Maxson, Reay, Ruma (6). Voting nay: None (0). Absent: Andrews, Dittmer, Moore (3). Abstain: None (0). Motion carried.

9:29 a.m. Moore entered meeting
9:42 a.m. Cue departed the meeting
9:59 a.m. Reay departed the meeting (conflict of interest)
10:09 a.m. Reay returned to the meeting
10:16 a.m. Reay departed the meeting (conflict of interest)
10:35 a.m. Reay returned to the meeting
10:43 a.m. Ruma and Battleson departed the meeting
10:50 a.m. Ruma and Battleson returned to the meeting

MOTION: Gill moved, seconded by Ruma, to enter into open session at 11:02 a.m. A roll call vote was taken. Voting aye: Battleson, Gill, Hof, Maxson, Moore, Reay, Ruma (7). Voting nay: None (0). Absent: Andrews, Dittmer (2). Abstain: None (0). Motion carried.

11:02 a.m. Harrison departed meeting
11:02 a.m. Break
11:15 a.m. Public Members entered meeting

5. OPEN SESSION - REVIEW, RECOMMENDATIONS, AND REPORT OUT

• Applications, Mail Ballot Summary Report and Reinstatements

Conviction Reviews:

Trevor Stryker – Provisional Mental Health Practitioner

MOTION: Reay moved, seconded by Gill, to recommend issuance of the provisional license. A roll call vote was taken. Voting aye: Battleson, Gill, Hof, Maxson, Moore, Reay, Ruma (7). Voting nay: None (0). Absent: Andrews, Dittmer (2). Abstain: None (0). Motion carried.

Christopher Wicks – Certified Master Social Work

MOTION: Moore moved, seconded by Maxson, to recommend issuance of the certificate. A roll call vote was taken. Voting aye: Battleson, Gill, Hof, Maxson, Moore, Reay, Ruma (7). Voting nay: None (0). Absent: Andrews, Dittmer (2). Abstain: None (0). Motion carried.

Amanda Fouts – Provisional Mental Health Practitioner

MOTION: Maxson moved, seconded by Ruma, to recommend issuance of the provisional license. A roll call vote was taken. Voting aye: Battleson, Gill, Hof, Maxson, Moore, Ruma (6). Voting nay: None (0). Absent: Andrews, Dittmer (2). Abstain: Reay (1). Motion carried.

Education Review:

Madeleine Moore – Licensed Independent Mental Health Practitioner

MOTION: Reay moved, seconded by Hof, to recommend acceptance of education. A roll call vote was taken. Voting aye: Battleson, Gill, Hof, Maxson, Moore, Reay, Ruma (7). Voting nay: None (0). Absent: Andrews, Dittmer (2). Abstain: None (0). Motion carried.

Reinstatement Review:

Linda Dowden - Reinstatement (early release from probation) of Independent Mental Health/Mental Health License and Professional Counselor Certificate.

Chiles reported that previously the Board determined denial; Dowden submitted a request for an appeal hearing, which will be scheduled for the next meeting of the Board.

6. STATUS OF ART THERAPIST 407 REVIEW

A public hearing was held on 2.4.20 at the Nebraska State Office Building, Room LLC. There was no testimony in opposition. On 3.3.30, the credentialing review committee (407) unanimously approved the applicant's proposal (see below):

The applicants stated that they are not asking for independent licensure, rather, they are asking for the creation of a specialty certification within the LMHP licensure category for Art Therapists. Under this

concept anyone who seeks to provide Art Therapy services would not only have to qualify as an Art Therapist, they would need to qualify as an LIMHP, as well. This way Art Therapy providers would have all of the necessary skills and abilities to diagnose and treat mental health or mental health related conditions of their patients. These requirements would include a Masters' degree in Art Therapy and qualifying as an LIMHP. The applicants added that adding Art Therapy as a new subspecialty under LIMHP would make it necessary to add an Art Therapist as an additional member of the LMHP Board.

Chiles advised there are 3 steps in the 407 review process: 1) credentialing committee (407) review, 2) reviewed by the Board of Health, and 3) review by the Chief Medical Director; each review is independent and a report is prepared detailing the review and recommendations. The process and reports can be viewed at: <http://dhhs.ne.gov/licensure/Pages/Credentialing-Review-Art-Therapy.aspx>

Gill inquired how does this affect therapists who practice art therapy in their current sessions? Chiles will need to obtain further information to provide an answer. Reay stated that it would have been helpful if the art therapy representatives would have attended one of the mental health practice board meetings to discuss issues

12:04 p.m. Lester departed meeting
12:05 p.m. Break
12:16 p.m. Open session resumed

7. PALLIATIVE CARE ADVISORY COUNCIL

Stacie Sinclair and Marcia Cederdahl provided an overview of palliative care, palliative care skills/team members, and identifying patients in need for specialty palliative care, and how to find more information. Palliative care is based on the needs of the patient, not on the patient's prognosis, and helps patients carry on with their daily life and improve ability to go through medical treatments. Palliative care is specialized medical care for people with serious illness. This type of care is focused on providing relief from the symptoms and stress of a serious illness. The goal is to improve quality of life for both the patient and the family. Palliative care is provided by a specially-trained team of doctors, nurses and other specialists who work together with a patient's other doctors to provide an extra layer of support. It is appropriate at any age and at any stage in a serious illness, and it can be provided along with curative treatment. There are 8 domains of palliative care and elements in all domains can relate to mental health issues.

Additional information can be viewed at: <http://dhhs.ne.gov/pages/palliative-care.aspx>.

8. UPDATES AND REPORTS

a. 2020 Legislation

LB817 - Prescribing Psychologist Practice Act: Requiring a practice agreement with the psychologist and physician has been amended to the bill.

LB988 – Professional Corporations: An individual, not in the same profession, or unlicensed individual can be part of a professional corporation.

LB1131 – US Department of Education: No longer identifying programs as “regionally accredited”

LB1187 – Reciprocity: 3 options to apply for a Nebraska license via reciprocity.

b. Board News Articles for Web Posting

Gill advised to send her ideas, perhaps include different links for updates, articles, regulation updates, etc. Chiles suggested an email blast sent out.

Chiles reported that the regulation hearing summary has been forwarded to the DHHS legal department for review, once approved, the regulations and hearing summary will be forwarded to the Board of Health for review.

c. Association and Committee Updates: ASWB

AASCB: Annual meeting, August 5-7, 2020 in Denver, CO. Gill volunteered.

MOTION: Ruma moved, seconded by Hof, to allow a per diem payment for Gill to represent the Board at the meeting in Denver August 2020. A roll call vote was taken. Voting aye: Battleson, Hof, Maxson, Moore, Reay, Ruma (6). Voting nay: None (0). Absent: Andrews, Dittmer (2). Abstain: Gill (1). Motion carried.

AMFTRB: Battleson to attend the meeting in Seattle, WA, in September 2020.

MOTION: Reay moved, seconded by Ruma, to allow a per diem payment to Battleson to represent the Board at the meeting in Seattle, WA, in September 2020. A roll call vote was taken. Voting aye: Gill, Hof, Maxson, Moore, Reay, Ruma (6). Voting nay: None (0). Absent: Andrews, Dittmer (2). Abstain: Battleson (1). Motion carried.

ASWB: Need to verify if travel expenses have been approved for Reay as she is attending the 2020 Education Meeting: "Embracing Regulatory Research" April 24-25, 2020, Chicago, IL.

Justice Behavioral Health Committee: Maxson did not have any new information to report.

d. Reports: Disciplinary and Non-Disciplinary Actions, Licensure Statistics, and Administrative Penalty Fees Assessed

Disciplinary/Non-Disciplinary Report: The report beginning 1.1.20 to 3.4.2020 was circulated.

Examination Statistics since January 1, 2020:

AMFTRB:	0 pass, 0 fail
ASWB:	12 pass, 2 fail
NBCC-NCE:	7 pass, 4 fail
NCMHCE-DM:	1 pass, 1 fail
NCMHCE-IG:	2 pass, 0 fail
ASWB Master's:	0 pass, 0 fail
Jurisprudence:	1 pass

License and Certificate Statistics: Report was circulated. Reay advised to monitor the number of LMHP's and LIMHP's and could potentially no longer need the LM license. Ruma inquired why we have both licenses available, Gill commented potential insurance issues. Reay also commented it was proof of longevity.

Compliance Listing Report: Report was circulated.

10. ADJOURNMENT

There being no further business, Battleson declared the meeting adjourned at 12:47 p.m.

L. Janeen Gill, Secretary
Board of Mental Health Practice

Summarized by: Heidi Weiand, Health Licensing Coordinator, Licensure Unit